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Docket No. FJ-2003-046-US
(MAS.018)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Koki Okamura

Serial No.: 10/733,380

Group Art Unit: 2164

Filed: December 12, 2003

Examiner: Sathyanaraya R. Pannala

For: FILE TRANSFER PROGRAM

Honorable Commissioner of Patents
Alexandria, VA 22313-1450

DECLARATION UNDER RULE 37 C.F.R. § 1.131

Sir:

I (Koki OKAMURA), do hereby state that:

- 1) I am the sole inventor of the above-identified application.
- 2) The FILE TRANSFER PROGRAM was known to me earlier than October 23, 2002, as shown in the enclosed "Invention Disclosure Documents" (Exhibit 1) and English translation thereof (Exhibit 2).
- 3) The effective date of the "Invention Disclosure Documents" (Exhibits 1 and 2) is earlier than October 23, 2002 and the date thereof has been redacted.
- 4) The "Invention Disclosure Documents" (Exhibit 1) were incorporated into Japanese Application Serial No. JP 2002-361998, and the application and the executed formal papers were filed in the Japan Patent Office on December 13, 2002.
- 5) The contents of the enclosed "Invention Disclosure Documents" (Exhibit 1) have been incorporated into the specification of the present invention, upon which claims 1-14 are based.

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6) The above clearly evidences a completion of the invention (e.g., an actual reduction to practice) in the United States, a NAFTA or WTO member country before the U.S. filing date (e.g., October 23, 2002) of the parent Provisional Application 60/420,803, from which U.S. Publication No. 2004/0139400 to Allam claims priority. Therefore, U.S. Publication No. 2004/0139400 to Allam is removed as prior art under 35 U.S.C. § 102(e).

7) In the alternative, I declare that the claimed invention was conceived prior to October 23, 2002 (e.g., as shown by the attached "Invention Disclosure Documents" (Exhibit I) having a date (now redacted) prior to October 23, 2002 and, coupled with due diligence from a date before October 23, 2002, until the invention was constructively reduced to practice on December 13, 2002. That is, the application and the executed formal papers for Japanese Application Serial No. JP 2002-361998, from which the present application claims foreign priority under 35 U.S.C. § 119, were filed in the Japan Patent Office on December 13, 2002.

8) The facts above in 6) clearly show a completion of the invention in a NAFTA or WTO member country before October 23, 2002. Alternatively, the facts in 7) above show a conception of the invention prior to October 23, 2002, and due diligence from just before October 23, 2002, until the filing date (i.e., the constructive reduction to practice) of the foreign priority application on December 13, 2002.

I hereby declare that all statements made here of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Further declarant sayeth not.

Date: November 7, 2006

Koki Okamura
Koki OKAMURA